

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**DOCKET ITEM #3**

IN RE: SUMMIT METALS, INC.

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NL Frank Akers, L.P.	)	
	)	
	)	
Appellant	)	Civil Action No. 05-696
v.	)	
	)	
	)	
Francis A. Monaco, Jr., Chapter 11 Trustee	)	
	)	
Appellee	)	Bankruptcy Case No. 98-2870 (DDS)

**NOTICE OF DOCKETING**

A Notice of Appeal of the following orders of the Bankruptcy Court dated 6/15/05 and 8/9/05 were docketed in the District Court on 9/22/05:

Order Denying Motion of Appellant to Reconsider Order Granting Appellee's Application in Support of Settlement Agreement with the IRS, entered on 6/15/05

Order Denying Motion of Appellant to Reconsider, Modify, and Make Additional Findings with Respect to: Order Denying Motion of Appellant to Reconsider Order Granting Appellee's Application in Support of Settlement Agreement with the IRS, dated 8/9/05

In accordance with the Standing Order of the Court dated July 23, 2004, this case shall be referred to the Appellate Mediation Panel, and briefing will be deferred.

Documents prepared for mediation shall be submitted directly to the mediator and should not be filed with the Clerk's Office. Any attorneys of record who are not members of the Bar of this Court shall associate with local counsel in accordance with District of Delaware Local Rule 83.5.

Peter T. Dalleo  
Clerk of Court

Date: September 23, 2005

To: U.S. Bankruptcy Court  
Counsel